

FILED

NOT FOR PUBLICATION

SEP 18 2006

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. GATTERSON, CLERK
U.S. COURT OF APPEALS
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OCT 16 2006

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRIS BAKER,

Defendant - Appellant.

No. 05-10623 at 11 o'clock and 45 min AM Y
SUE BEITIA, CLERK

D.C. No. CR-03-00563-SOM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, District Judge, Presiding

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON and GRABER, Circuit Judges.

Chris Baker appeals from the district court's judgment and 60-month sentence imposed following his guilty-plea conviction for possession with intent to distribute 5 grams of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

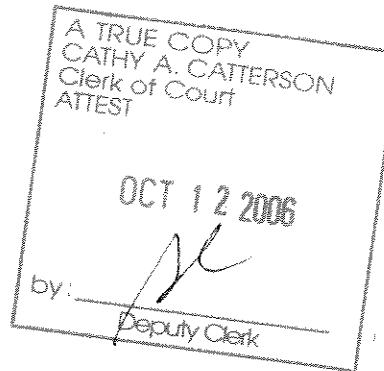
** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

(b)(1)(B), and possession with intent to distribute a quantity of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Baker's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.



INTERNAL USE ONLY: Proceedings include all events.
05-10623 USA v. Baker

UNITED STATES OF AMERICA
Plaintiff - Appellee

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CHRIS BAKER
Defendant - Appellant

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